GOVERNMENT OF INDIA
FINANCE
LOK SABHA

UNSTARRED QUESTION NO:3558
ANSWERED ON:16.12.2005
EXCISE CASES
Jha Shri Raghunath

Will the Minister of FINANCE be pleased to state:

(a) whether about 55,000 cases involving excise duty of Rs. 23,276 crore were pending as on 31st March, 2004 with different authorities;

(b) whether about 8369 cases are pending for more than five years;

(c) if so, measures taken to expedite adjudication of these cases;

(d) whether there is any proposal to fix time-limit for adjudication of cases; and

(e) if so, details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF FINANCE (S S PALANIMANICKAM)

(a) & (b) : As per C&AG`s report No. 11 of 2005 (Indirect Taxes - Central Excise and Service Tax), a total of 54,560 cases involving excise duty of Rs. 23,275.77 crore were pending finaiization as on 31 March, 2004 with different authorities, which included departmental officers, Commissioner (Appeals), Tribunal, High Courts and Supreme Court. Out of these, 8369 cases were pending for more than five years.

(c) : Disposal of cases pending before various authorities is a continuous process. While old cases are disposed off, new cases crop up. The following steps have been taken by the Government to speed up the disposal of cases:-

(i) Continuous monitoring of cases pending before different authorities.

(ii) Filing of applications before different appellate authorities for disposal / early hearing of cases.

(iii) Legislative provision has been made to ensure early disposal of the cases by prescribing a limit of maximum three adjournments of hearings by departmental adjudicating officers/Tribunal.

(iv) A dedicated unit e.g. Tax Arrears Recovery Cell has been created to oversee, monitor and coordinate the disposal of appeal cases and realization of related revenue.

(v) Departmental adjudicating officers have been asked to undertake faster disposal of adjudication cases.

(d)&(e) : In the Central Excise Act, 1944, provisions have been made that where it is possible to do so, Commissioner (Appeals) and Tribunal shall hear and decide every appeal within a period of six months and three years respectively, from the date of filing of appeal. There is no fresh proposal pending consideration at this stage.